

MINUTES

RANDOLPH COUNTY ZONING BOARD OF ADJUSTMENT

September 15, 1998

There was a meeting of the Randolph County Zoning Board of Adjustment held at 6:30 p.m., on Tuesday, September 15, 1998, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. Vice Chairman Bill Dorsett called the meeting to Order.

2. Hal Johnson, Planning Director, called roll of the members: Maxton McDowell, Chairman, absent; Bill Dorsett, Vice Chairman, present; Larry Brown, present; Phil Brower, absent; Lynden Craven, present; Al Morton, absent; Tommy Boyd, present; and Phil Ridge, Alternate, present.

3. Craven made the motion, seconded by Brown, to **approve** the Minutes of the August 4, 1998 Zoning Board of Adjustment meeting. The motion passed unanimously.

4. **Swearing in of the Witnesses:**

"Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

8 citizens took this Oath.

Johnson advised the citizens that if 2 members vote against the request, the request for Variance is denied.

5. **REQUESTS FOR A VARIANCE:**

A: **DONALD STALEY**, Asheboro, North Carolina, is requesting a Variance to allow the placement of a 2nd mobile home on the property in lieu of the requirement of 1 residence per tract. Location: Quail Ridge Subdivision Section 3 lot 21, 4015 Mountain Creek Road, 10.01 acres, Union Township, Zoning Map #7646, Zoning District RA.

****Arguments for Granting this Request**

Staley said that the property would not be subdivided, they were deceived when they purchased the property - the were told they could have 2 residences on the property. Staley said that her husband and his brother are truck drivers and she is there by herself at night. Her brother-in-law has a severely handicapped child and they are the only family each have. Staley said she knew that this could never be used as a rental lot. Staley said they do pay their road maintenance agreement of \$200 per year.

****Arguments Against Granting this Request**

Pat Myers, adjoining property owner, said that she owns 65 acres here on the Ulah side of this development. Myers presented pictures of infractions already taking place in this development. Myers said they hear gun shots, the woods have been set on fire, and just several problems they have had with this development. Myers said that the Sheriff's Department and the Fire Department is here all the time. Myers said that she felt sorry for the situation with a handicapped child, that she also had a handicapped child, but this is not the solution to their problem. Myers said maybe her husband can get another job and help her out more or they can all move to the city. Myers said that the developers originally requested this subdivision have 5 acre lots along with some 2-3 acre lots, but this was denied.

****Board Discussion: Conclusions Based on Findings of Fact**

Johnson said that this subdivision was approved for 1 residence per tract (each tract is 10 acres or greater). Johnson said but when you allow 1 tract to have 2 residences through the Variance process you will get 5 or 6 more requesting the same thing. Johnson said he did feel this is a different situation but it is important to look at each case (that may come up) separately.

Craven said he didn't want to set a precedence here but he did feel this was a special case. Craven said there is a small handicapped child involved and the land will not be subdivided. Craven said this would not effect the schools, etc. Craven said anyone can come up with what they call a hardship, but this is a hardship situation. Craven made the motion to approve this request.

Boyd asked Staley what would keep them from moving to another place. Staley said they have tried twice to sell the property and haven't been able to do so.

The motion died for a lack of a second.

****Order of the Board of Adjustment**

Boyd made the motion, seconded by Ridge, to deny this request for a Variance. The motion passed by a 4 to 1 vote - Craven voted against the motion.

B: **ELLEN LINEBERRY**, Climax, North Carolina, is requesting a Variance to allow a 42.3 feet right-of-way at one point on a proposed private road in lieu of the required 45 minimum right-of-way for a private road to potential develop a major subdivision. Location: 25 acres, Plum Tree Road, Providence Township, Zoning Map #7786, Zoning District RA.

****Arguments for Granting this Request**

Johnson explained to the applicant that if approved the Board is not approving a major subdivision development. This request would have to come back to the Board through the rezoning process. Lineberry said she understood.

Dick Douglas, attorney representing Lineberry, said that Lineberry along with 2 of her sisters has been appointed executor of her mother's estate and they have been ordered to sell the property. Douglas said that they are trying to provide a legal access so that a purchaser of the property may have the option to request the property be divided. Douglas said this is only one point on the parcel, it will not be 42.3 feet along the entire access. Douglas said this is the only access to the property.

****Arguments Against Granting this Request**

David Farlow, adjoining property owner (to the North of the property) said that he could understand their problem because he has a similar problem with a parcel he owns, but if this is approved the person could build a state road in and possibly develop the property into lots as small as 1 acre. Farlow said there are other heirs to this estate that own property adjoining this parcel that could possibly give additional access to this tract. Farlow questioned why the request only included 25 acres instead of the entire 100 acres that this will be accessing.

Douglas said that they have no intentions of preventing any information from being on the request. Douglas said he was instructed by the Planning Department as to the request. Farlow said he didn't feel all parties were given proper notice.

Dorsett said that he felt all appropriate parties should be notified prior to making a decision. Johnson said we've complied with all notice requirements.

Douglas said he felt objection to future development would be premature at this time.

****Board Discussion: Conclusions Based on Findings of Fact**

Ridge said he felt a hardship had been proven to the land and any rezoning issues are not being considered at this time.

****Order of the Board of Adjustment**

Ridge made the motion, seconded by Boyd, to approve this request for a Variance. The motion passed unanimously.

C: **MIKE WILHOIT**, High Point, North Carolina, is requesting a Variance to allow the re-division of a tract within Thayer Plantation Subdivision (Section 4 lot 2) into 2 lots that will have less than 30 feet of road frontage per tract. Location: 11.93 acres on Covered Bridge Road, Tabernacle Township, Lake Reese WQCA Watershed, Zoning Map #7703, Zoning District RR-CU.

****Arguments for Granting this Request**

Wilhoit said that he had planned to divide the property (at the time of purchase) and was unaware of the road frontage requirement. Wilhoit said that he has already paid for bulldozer work to be done to the property and the variance would only be 18" less than the required frontage. The first home will be 700 feet of the road and the second will be 1100 feet of the road. The setbacks are due to the topography of the land. Wilhoit said he had discussed his plans with the adjoining land owners (lot 1) and they have no objections.

Scarlet Williard, adjoining land owner, said that they have no intention of subdividing their lot but they have no objection to Wilhoit dividing his.

****Arguments Against Granting this Request**

There was no one present in opposition to this request.

****Order of the Board of Adjustment**

Boyd made the motion, seconded by Brown, to approve this request for a Variance. The motion passed unanimously.

6. The meeting adjourned.